From: Curt Pederson
To: Microsoft ATR
Date: 12/9/01 9:45pm
Subject: Microsoft Settlement

I am writing to express my concern with the proposed Microsoft Settlement.

I am a Software Engineer who has been in the industry since 1990. Most of my career has been spent developing applications on the Windows platform. As a developer, I've experienced the pains of dealing with Microsoft bullying not only developers, but end users. My experiences have caused me to change my preferred development language, platform and tools to a point that excludes anything Microsoft. The environment I've moved to is Linux, Java and open source tools.

The proposed settlement with Microsoft exposes the open source community to the continuing rampage of Microsoft by not protecting the community in the same way corporations are protected. Open source is argueably the biggest threat to Microsoft. The largest threat is Linux.

Robert Cringely's site has an excellent explanation of this concern. Here is the section of his page (found here
http://www.pbs.org/cringely/pulpit/pulpit20011206.html.)

"Well, Microsoft now appears to be exacting its revenge, leaning this time on the same letter of the old law to not only get a better deal, but literally to disenfranchise many of the people and organizations who feel they have been damaged by Microsoft's actions. If this deal goes through as it is written, Microsoft will emerge from the case not just unscathed, but stronger than before.

Here is what I mean. The remedies in the Proposed Final Judgement specifically protect companies in commerce -- organizations in business for profit. On the surface, that makes sense because Microsoft was found guilty of monopolistic activities against "competing" commercial software vendors like Netscape, and other commercial vendors -- computer vendors like Compaq, for example. The Department of Justice is used to working in this kind of economic world, and has done a fair job of crafting a remedy that will rein in Microsoft without causing undue harm to the rest of the commercial portion of the industry. But Microsoft's greatest single threat on the operating system front comes from Linux -- a non-commercial product -- and it faces a growing threat on the applications front from Open Source and freeware applications.

The biggest competitor to Microsoft Internet Information Server is Apache, which comes from the Apache Foundation, a not-for-profit. Apache practically rules the Net, along with Sendmail, and Perl, both of which also come from non-profits. Yet not-for-profit organizations have no rights at all under the proposed settlement. It is as though they don't even exist.

Section III(J)(2) contains some very strong language against
not-for-profits. Specifically, the language says that it need not describe
nor license API, Documentation, or Communications Protocols affecting
authentication and authorization to companies that don't meet Microsoft's
criteria as a business: "...(c) meets reasonable, objective standards
established by Microsoft for certifying the authenticity and viability of its
business, ..."

So much for SAMBA and other Open Source projects that use Microsoft calls.
The settlement gives Microsoft the right to effectively kill these products.

Section III(D) takes this disturbing trend even further. It deals with
disclosure of information regarding the APIs for incorporating non-Microsoft
"middleware." In this section, Microsoft discloses to Independent Software
Vendors (ISVs), Independent Hardware Vendors (IHVs), Internet Access
Providers (IAPs), Internet Content Providers (ICPs), and Original Equipment
Manufacturers (OEMs) the information needed to inter-operate with Windows at
this level. Yet, when we look in the footnotes at the legal definitions for
these outfits, we find the definitions specify commercial concerns only.

But wait, there's more! Under this deal, the government is shut out, too.
NASA, the national laboratories, the military, the National Institute of
Standards and Technology -- even the Department of Justice itself -- have no
rights. It is a good thing Afghanistan is such a low-tech adversary and that
B-52s don't run Windows.

I know, I know. The government buys commercial software and uses contractors
who make profits. Open Source software is sold for profit by outfits like Red
Hat. It is easy to argue that I am being a bit shrill here. But I know the
way Microsoft thinks. They probably saw this one coming months ago and have
been falling all over themselves hoping to get it through. If this language
gets through, MICROSOFT WILL FIND A WAY TO TAKE ADVANTAGE OF IT. "

I realize that is most of the site, however, my writing ability doesn't
compare to Robert's.

Thank you for letting me voice my opinion.

Curt Pederson
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